

**IN THE UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF VIRGINIA  
CHARLOTTESVILLE DIVISION**

CHRISTOPHER SEAMAN and ELIZABETH  
ALLISON LYONS, individually and on behalf  
of C.S., a minor; *et al.*

Plaintiffs,

v.

The COMMONWEALTH OF VIRGINIA; *et al.*

Defendants.

Case No. 3:22-cv-00006-NKM

**PLAINTIFFS' MOTION FOR  
TEMPORARY RESTRAINING  
ORDER AND PRELIMINARY  
INJUNCTION**

Plaintiffs hereby respectfully move for a temporary restraining order and preliminary injunction.

Plaintiffs seek injunctive relief to stop enforcement of Virginia Executive Order 2 (Jan. 15, 2022) insofar as it bars schools and localities from requiring masking in the schools. By prohibiting that basic public health measure, Defendants are preventing public entities statewide from complying with the Americans with Disabilities Act (“ADA”) and the Rehabilitation Act. Defendants are illegally forcing Virginia families of children with disabilities to choose between their child’s education and their child’s health and safety. Further, Executive Order 2 needlessly and unconscionably exposes Virginia school children and their families to a heightened risk of

infection, hospitalization, and death from COVID-19 infection. It is against the calamitous consequences of Executive Order 2 that Plaintiffs seek emergency injunctive relief.

Plaintiffs can demonstrate that they are likely to succeed on the merits because Defendants are discriminating against students with disabilities in violation of federal law; Plaintiffs are likely to suffer irreparable harm in the absence of preliminary relief; the balance of equities tips in Plaintiffs' favor; and an injunction is in the public interest.

This motion is supported by a memorandum of law which will be filed contemporaneously.

Dated: February 10, 2022

Respectfully submitted,

/s/ Eden B. Heilman

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### **CERTIFICATE OF SERVICE**

I hereby certify that on this 10<sup>th</sup> day of February 2022, I filed the foregoing document with the Clerk of Court using the CM/ECF system, and I hereby certify that I have mailed by United States Postal Service the document to the following non-CM/ECF participants:

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